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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,962	08/31/2000	Glenn McGall	03848-00050	4091

7590

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EXAMINER

BAKER, MAURIE GARCIA

ART UNIT

PAPER NUMBER

1627

DATE MAILED: 07/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/652,962	8/31/00	McGall	03848-00050

EXAMINER	
Maurie Garcia Baker, Ph.D.	
ART UNIT	PAPER NUMBER
1627	15

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

See attached Notice of Non-Responsive Amendment.

DETAILED ACTION

Notice of Non-Responsive Amendment

1. The reply filed February 19, 2002 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

The Restriction Requirement mailed January 22, 2002 required election of a single invention from Groups I – III and a further election of species depending on the Group elected. The Species Election requirement for Group I is set forth below (copied from Restriction Requirement mailed January 22, 2002, paragraph 8):

*If applicant elects the invention of **Group I**, applicant is required to elect from the following patentably distinct species. Claims 1-3 are generic.*

Numbers of monomers

Species 1: One

Claims 1-4, 6-8

Species 2: Two or more

Claims 1-8

Species of monomer structure

Please elect specific monomer(s), by chemical structure. If Species 1 is elected from above, then one monomer should be specified; if Species 2 is elected then the two or more monomers should be defined.

*Note that this election should result in **specific** chemical structure(s).*

The species are distinct, each from the other, because their structures and modes of action are different. They would also differ in their reactivity and the starting materials from which they are made. Therefore, the species have different issues regarding patentability and represent patentably distinct subject matter.

Applicant elected Group I (claims 1-8) for examination with traverse and elected the species of one monomer (from 1st subgroup in Species Election). Applicant then elected “the specific structures presented at claim 6” for the ‘Species of monomer structure’ (reply, page 2). This is not deemed to be responsive for the election of ‘Species of monomer structure’ as claim 6 recites two different

monomer structures, both in generic form. The examiner specifically required an election of a *specific chemical structure* (see above). Thus, an election of one specific monomer structure is required. A specific chemical structure is not generic, but has **all atoms and bonds defined**.

Please note that the traversal will be addressed in the action that follows applicant's fully responsive election.


2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurie Garcia Baker, Ph.D. whose telephone number is (703) 308-0065. The examiner can normally be reached on Monday-Thursday and alternate Fridays from 9:30 to 7:00.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane, can be reached on (703) 308-4537. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Maurie Garcia Baker, Ph.D.
July 25, 2002


MAURIE E. GARCIA BAKER
PATENT EXAMINER